



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING

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Ellicott City, Maryland 21043

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Voice/Relay

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November 18, 2019

Howard County DPW
9801 Broken Land Pkwy
Columbia, MD 21046
Attn: Christine Lowe

RE: WP-20-037 Gwynn Park Drive Outfall Stabilization Project

Dear Ms. Lowe:

The Director of the Department of Planning and Zoning considered your request for an alternative compliance from the Howard County Subdivision and Land Development Regulations.

As of the date of this letter, the Planning Director **approved** your request for an alternative compliance of **Section 16.155(a)(1)(ii)**, **Section 16.1201(n)** and **Section 16.1205(a)(7)**.

Approval is subject to the following conditions:

1. The alternative compliance plan exhibit shall serve as the substitute for a site development plan for development. No disturbance is permitted beyond the 0.65-acre limit of disturbance as shown on the alternative compliance exhibit unless it can be sufficiently demonstrated by the applicant to be justified.
2. The removal of the 31" poplar tree is permitted as shown on the plan exhibit. The removal of any additional specimen tree is not permitted under this alternative compliance request unless it can be sufficiently demonstrated by the applicant to be justified. All efforts shall be made to reduce impacts to specimen trees during construction, including utilizing tree protection fencing or similar measures as detailed on the alternative compliance plan exhibit. The proposed canopy trees, understory trees, shrubs and live-stakes will serve as mitigation for removal of the specimen tree, as shown on the alternative compliance landscape plan exhibit.
3. Once the proposed outfall stabilization and stream restoration work is complete, the Limit of Disturbance shall be restored to its previous condition in accordance with the applicant's landscaping and seeding plan.
4. The applicant shall obtain all required authorizations and permits from the Maryland Department of the Environment and U.S. Army Corps of Engineers (if applicable) for disturbances within the floodplain, streams, wetlands and their buffers. Reference the applicable MDE or USACE permits or tracking numbers on all building or grading permits.
5. Prior to the commencement of this restoration project, the Department of Public Works shall forward all right-of-entry documents for the four privately-owned lots to the Department of Planning & Zoning- Division of Land Development.

6. Revise the plan exhibit to address the following comments from the Department of Recreation and Parks:
- LD-03 Plant Schedule- Shade Tree Zone: Witch hazel is not an understory tree, please replace with a native tree species.
 - EN-05 Erosion & Sediment Control Details: Tree protection: #3 calls for *location and limits of fencing shall be coordinated in the field with engineer*. Language should be added to state that tree protection fencing shall be installed to protect the critical root zone of the trees. Example: Tree protection fencing shall be installed at the drip line of the tree to protect the critical root zone.
 - A tree protection signage detail should be added to the plans.
 - Revise the tree shelter specifications, tree shelters shall be a minimum of 48" tall.

Our decision was made based on the following:

Extraordinary Hardships or Practical Difficulties:

The project that is the subject of this request is necessary to address an eroding stream system that is negatively impacting County open space. The stream is eroding its banks and causing a loss of trees and stream buffer vegetation. The loss of trees further destabilizes the stream banks, thus accelerating the rate and amount of erosion. The erosion threatens to migrate laterally into County open space and private properties. One specimen tree, a 31" poplar, must be removed during construction due to its location within the proposed channel. The critical root zone will be highly impacted by grading activities during the restoration project.

Not Detrimental to the Public Interest:

The approval of this alternative compliance request will not be detrimental to the public interest. The alternative compliance request is not intended to exempt the project from County regulations, but rather to more appropriately match the goals and resources of the project to the overall intent of the regulations. The restoration project will improve water quality in the Little Patuxent River watershed. If the 31" poplar tree is not removed during construction, the impacts to the critical root zone will likely result in decline of the tree, which will pose a safety hazard for residents.

Will Not Nullify the Intent or Purpose of the Regulations:

The approval of this alternative compliance request will not nullify the intent of the regulations. The project was designed to stabilize eroding stream banks. The limit of disturbance will be minimized to only that area necessary for construction and will be replanted and seeded once construction is complete. The alternative compliance plan exhibit has been reviewed by the Subdivision Review Committee agencies and is a suitable substitute for a site development plan.

Indicate this alternative compliance petition file number, request, section of the regulations, action, conditions of approval and date on all related grading and building permits. This alternative compliance approval will remain valid for one year from the date of this letter or as long as a grading plan is being actively processed in accordance with the processing provisions of the Regulations.

If you have any questions, please contact Eric Buschman at (410) 313-2350 or email at ebuschman@howardcountymd.gov.

Sincerely,



Kent Sheubrooks, Chief
Division of Land Development

KS/eb

cc: Research
DED
Real Estate Services
Marian Honecny- DNR




Howard County

RECREATION & PARKS

SUBJECT: Gwynn Park Drive Outfall Stabilization
Capital Project #D-1158

TO: Paul Walsky, Park Planner

FROM: David Keane, Natural Resources Manager, Forestry Section 

DATE: October 28, 2019

The Natural & Historic Resources Division has the following comments regarding the Gwynn Park Drive Outfall Stabilization, Capital Project D-1158, Alternative Compliance Request submitted by DPW, Stormwater Management Division.

1.) LD-03 Plant Schedule Shade Tree Zone

Witch hazel is listed as an understory tree, which it is not. Witch hazel should be replaced with a native tree species.

2.) EN-05 Erosion and Sediment Control Details

Tree protection: #3 calls for *location and limits of fencing shall be coordinated in the field with engineer*. Language should be added to state that tree protection fencing shall be installed to protect the critical root zone of trees. Example: Tree protection fencing shall be installed at the drip line of the tree to protect the critical root zone.

3.) Tree Protection Signage

Tree protection signage detail should be added to plans.

4.) LD-02 Landscape Details:

Change tree shelter specifications: Tree shelters shall be a minimum of 48" tall.

5.) Specimen Tree Removal:

The Alternative Compliance calls for the removal of one specimen tree. Will trees be replanted to compensate for the removal of the specimen tree? Plan should identify where these trees are to be replanted.